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WASHINGTON, D.C. 20231 ON 11 February 2002

John A. Ke
AGENT/ATTORNEY FOR APPLICANT

11 Feb 2002
DATE

Attorney Docket No. P32685

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Storm et al.

11 February 2002

Serial No.: 09/689,483

Group Art Unit No.: 1615

Filed: 12 October 2000

Examiner: R. Bennett

For: NOVEL METHOD OF TREATMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Examiner's Action mailed 19 November 2001 having a shortened statutory period of 1 month, please enter the following Remarks and Amendments into the record. Enclosed herewith is a petition for two (2) month extension of the shortened statutory period set by the Examiner and authorization to charge the required fee to the indicated deposit account.

In the Claims:

Please cancel claims 1 to 12, and 19 to 68.

REMARKS

Claims 1 to 12 and 19 to 68 have been cancelled. Claims 13 to 18 remain in the application. An Information Disclosure Statement, and PTOL 1449 form accompany this response. Due to the size and number of the references, Applicants request that they be obtained from co-pending application USSN 09/971,560. Should the Examiner wish a separate set of references for this application instead, please contact the undersigned at the number indicated below and they will be provided.

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Claims 1 to 68 have been made the subject of a restriction requirement under 35 USC §121.

The restriction is as follows:

Group I. Claims 1-21, 48-61, 68 drawn to a pharmaceutical formulation and methods thereof, classified in class 424, subclass 464.

Group II. Claims 22, 46-47, drawn to an effervescent, classified in class 424, subclass 466.

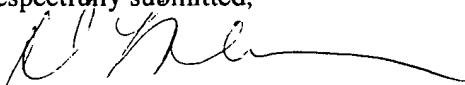
Group III Claims 23-45, 66-67, drawn to biphasic tablet, classified in class 424, subclass 472.

Group IV Claims 62-65, drawn to compacted granules, classified in class 424, subclass 489.

Applicants respectfully traverse the restriction requirement. However, in order to comply, Applicants' elect Group 1 containing claims 1-21, 48-61 and 68. The subject matter of the instant claims all stem from a common research and development program. The claimed subject matter is all directed to a high dosage amoxicillin/clavulanate product, and a particular dosage formulation. In order to further prosecution on the merits, Applicants have cancelled a number of claims contained in Group I, in order to focus more distinctly on the claimed invention. Applicants reserve their right to file divisional or continuation applications on non-elected or cancelled subject matter.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned at the number below. It is not believed that this paper should cause any additional fees or charges to be required, other than expressly provided for already. However, if this is not the case the Commissioner is hereby authorized to charge Deposit account 19-2570 accordingly.

Respectfully submitted,



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